

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43226 of 2018

Arising Out of PS. Case No.-185 Year-2016 Thana- PAKARIBARAW District- Nawada

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1. Chandeshwar Chauhan and Ors S/o Late Somer Chauhan, R/o Vill.- Chadihari, P.S.- Pakribarawan, District- Nawada.
 2. Janardan Chauhan S/o Chandeshwar Chauhan, R/o Vill.- Chadihari, P.S.- Pakribarawan, District- Nawada.
 3. Pooja Chauhan @ Pooja Devi W/o Janardan Chauhan, R/o Vill.- Chadihari, P.S.- Pakribarawan, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Gayatri Devi W/o Sudarshan Chauhan, R/o Vill.- Chadihari, P.S.- Pakribarawan, District- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sri Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 17-08-2023 Heard the learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application on behalf of the petitioner No. 01 with a liberty to the petitioner No. 01 to raise all his grounds at an appropriate stage.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn with the aforesaid liberty with regard to petitioner No. 01.



5. This application has been filed for quashing the order dated 26.07.2017 passed by Judicial Magistrate, 1st Class, Patna in connection with Pakribarawan P.S. Case No. 185 of 2016.

6. Learned counsel for the petitioners submits that the petitioner No. 02 is the brother-in-law and the petitioner No. 03 is the sister-in-law of the complainant and there is general and omnibus allegation against both of them.

7. The petitioners has also relied upon the judgment of Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors*** reported in ***AIR 2022 SC 820***.

8. The learned APP for the State has opposed the prayer of the petitioners and has submitted that the prayer of the petitioners may be dismissed and they also may be directed to raise all the grievances at an appropriate stage.

9. I have considered the submissions of the parties. So far as the allegations against the petitioner Nos. 02 and 03 are concerned, they are general and omnibus.

10. The objection of learned APP for the State that the petitioners may be directed to raise all the points at the time of framing of charge is also fit to be rejected in view of the



judgment of Hon'ble Supreme Court passed in the case of ***Ashok Chaturvedi & Ors Vs Shitul H. Chanchani & Anr reported in (1998) 7 SCC 698.***

11. Considering the aforesaid submissions of the parties and also considering the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors (Supra)***, this application is allowed.

12. Accordingly, the order dated 26.07.2017 passed by Judicial Magistrate, 1st Class, Patna in connection with Pakribarawan P.S. Case No. 185 of 2016 is hereby quashed with regard to petitioner Nos. 02 and 03.

(Sandeep Kumar, J)

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